

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12458 of 2024

Arising Out of PS. Case No.-81 Year-2022 Thana- GHANSHYAMPUR District- Darbhanga

Anand Mohan Dev @ Anand Mohan Son Of Late Chitranjan Prasad Dev
R/O-Pohaddi Bela P.S.-Ghanshyampur, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Kedar Jha, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ghanshyampur P.S. Case No. 81 of 2022, F.I.R. dated 06.04.2022 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 387 and 504 of the Indian Penal Code.

3. According to prosecution case, petitioner along with other co-accused persons are said to have assaulted the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the side of the petitioner



has filed Ghanshyampur P.S. Case No. 75 of 2022 against the informant and other persons and due to which the present occurrence has taken place. He further submits that from bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act is attributed against this petitioner. He further submits that other co-accused person, namely, Aakash Kumar Deo has been granted anticipatory bail vide order dated 19.08.2023 passed in Cr. Misc. No. 51522 of 2023, Satish Kumar Lal Deo has been granted anticipatory bail vide order dated 19.08.2023 passed in Cr. Misc. No. 51667 of 2023 and one Kewal Kishore Deo has also been granted anticipatory bail vide order dated 17.10.2023 passed in Cr. Misc. No. 64004 of 2023.

5. The learned Additional Public Prosecutor, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner that he along with others has assaulted informant and apart from that the petitioner carries three more cases other than the present one but fairly submits on the basis of the paragraph-3 of the bail petition that the petitioner is on bail in pending matters.

6. Considering the aforesaid facts and circumstances,



let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Biraul, Darbhanga in connection with Ghanshyampur P.S. Case No. 81 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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